

**RESPONSE TO COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS AND NPDES PERMIT
FOR
TESORO REFINING & MARKETING COMPANY LLC
TESORO LOS ANGELES REFINERY - CALCINER OPERATIONS
NPDES PERMIT NO. CA0059153**

This table describes the comments received from interested persons with regard to the above-mentioned tentative waste discharge requirements and NPDES permit. Each comment has a corresponding response.

Commenter	No.	Comment	Response	Action Taken
Comments received from Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations on 2/14/2019				
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	1	<p>Attachment E, Table E-2 Table E-2 requires the sample type for flow to be "metered".</p> <p>The facility request the Regional Water Board remove this requirement and replace with the current permit language where it states that the flow sample type shall be calculated. The facility does not have a flow meter at the discharge point and the facility does not discharge continuously. It is impossible to calibrate a flowmeter if one were installed. Additionally, due to long periods of non-operation because the facility does not discharge, a meter is unlikely to be functional when needed. The facility last discharged in 2nd Quarter 2005, approximately 14 years ago. The facility previously met with the Regional Water Board staff on March 29, 2012, and explained the facility operation as described above. As a result of this meeting the existing permit allows the facility to calculate volumetric discharge rather than measuring it using a flow meter. Please refer to meeting note summary in the email attached.</p>	The Board concurs. Attachment E, Table E-2 of the sample type for flow has been changed "Meter or <u>Calculated</u> ".	The revised tentative permit includes the change.

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Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	2	<p>Permit Order, Section V.A.4</p> <p>"The mean annual dissolved oxygen concentrations to fall below 7.0 mg/L. No single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations."</p> <p>The facility requests the Regional Water Board to remove this limitation as it is not clear on the enforcement of this stipulation. Specifically, how can the facility know when dissolved oxygen depletions have occurred, and whether the depletion is caused by upstream dischargers or by the facility's effluent.</p>	<p>To clarify the receiving water limitations for dissolved oxygen, the language has been revised to read: "The mean annual dissolved oxygen concentrations be less than or equal to 7.0 mg/L. No single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations."</p> <p>The tentative permit includes a dissolved oxygen receiving water limitation to ensure compliance with Basin Plan water quality objective for dissolved oxygen. The tentative permit also includes receiving water monitoring requirements for dissolved oxygen at Monitoring Location RSW-002, which is downstream of the discharge point, in order to determine compliance with the receiving water limitations. Therefore, the receiving water limitation for dissolved oxygen is retained in the tentative permit.</p>	The revised tentative permit includes the associated language.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	3	<p>Permit Order, Section V.A.8</p> <p>"Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses."</p> <p>The facility request the Regional Water Board remove this stipulation added to the tentative permit as the processes at the facility have not changed since the last permit, the discharges are intermittent</p>	<p>The Board recognizes the Facility's discharge is intermittent. The Facility has a reverse osmosis (RO) system that is used to treat potable water (from the City) for use as boiler feed water and for spray cooling the calcined</p>	None required.

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		and chlorine is not likely to be present in the this type of discharge.	<p>coke. Discharges from the Facility include treated wastewater consisting of green coke drainage and miscellaneous wash water, boiler safety relief system blowdown, boiler feed water, pump seal flush, cooling tower overflow, and storm water runoff. Residual chlorine may be present in this type of wastewater discharge. The narrative receiving water limitation for total residual chlorine is consistent with the objective included in the Basin Plan. Therefore, the receiving water limitation for total residual chlorine is retained in the tentative permit.</p> <p>In addition, the tentative permit has been updated to include receiving water monitoring for total residual chlorine at a frequency of once per year at Monitoring Locations RSW-001 and RSW-002 is included in Attachment E, Table E-3 and Table E-4 to determine compliance with the receiving water limitation.</p>	The tentative permit was updated to include the receiving water monitoring for chlorine.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	4	<p>Permit Order, Section VI.B.2.b.ii Table 5</p> <p>Table 5 lists Copper, Lead, Zinc, Toxicity, Benthic Community Effects as required Sediment Analysis Parameters for the Harbor Toxics TMDL.</p> <p>It is unclear whether collected sediment is required to be analyzed for the parameters listed in Attachment A of the SQO-Part 1 or whether only the analytes listed in Table 5 are required. This section is confusing, the facility requests that the Regional Water Board either remove this section or clarify on what requirements the facility is to follow; Attachment A or Table 5.</p>	<p>The requirement is to analyze the sediment samples for the parameters listed in Attachment A of the SQO Part 1 and for the analytes listed in Table 5. Consistent with the <i>Total Maximum Daily Load (TMDL) for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters</i> (Resolution No. R11-008 or Harbor Toxics TMDL), sediment samples must be collected from the receiving water every five years at Stations 12 through 15 and analyzed for parameters included in Table 5. In addition, the</p>	None required.

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			Sediment Quality Objectives (SQOs) set forth in <i>State Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality</i> (SQO Part 1), triad sampling must be performed every 5 years in coordination with the Biological Baseline and Bight regional monitoring programs. This requirement is specified in SQO Part 1 and the chemical suite (as included in Attachment A and Table 6 of the SQO document) must be analyzed. The Discharger may develop a site-specific plan, form a group, or join a group to implement the requirements.	
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	5	<p>Permit Order, Section VI.B.2.b.iii</p> <p>"Fish tissue samples shall be collected every two years in San Pedro Bay, Los Angeles Harbor, and Long Beach Harbor, and analyzed for chlordane, dieldrin, toxaphene, DDT and PCBs."</p> <p>Fish tissue requirements in Order R4-2013-0157 only included fish tissue monitoring in the Long Beach Inner Harbor. The new tentative permit order requires the facility to conduct additional fish tissue monitoring in the San Pedro Bay, Los Angeles Harbor, and Long Beach Harbor. The facility would like the Regional Water Board to maintain the Long Beach Inner Harbor as the only fish tissue station required as this is the main waterbody impacted by the facility's discharge. The Los Angeles Harbor and San Pedro Bay are waterbodies located further away from the facility, and fish are likely impacted by dischargers directly discharging into that waterbody.</p>	<p>The Harbor Toxics TMDL states that "Fish tissue samples shall be collected every two years in San Pedro Bay, Los Angeles Harbor, and Long Beach Harbor, and analyzed for chlordane, dieldrin, toxaphene, DDT, and PCBs." To comply with the Harbor Toxics TMDL, the Facility may either conduct monitoring itself or participate with a collaborate group. Either way, fish tissue samples must be collected every two years in San Pedro Bay, Los Angeles Harbor, and Long Beach Harbor and analyzed for chlordane, dieldrin, toxaphene, DDT, and PCBs.</p> <p>To comply with these requirements, the framework of which was included in Order No. R4-2013-0157, Tesoro Los Angeles Refinery – Calciner Operations (Tesoro) joined the collaborative group which submitted a plan that was reviewed and approved by</p>	None required.

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			the Regional Water Board. However, if Tesoro plans to develop a site-specific plan, all of these components must be evaluated as specified in Harbor Toxics TMDL Monitoring requirements, as set forth in Chapter 7 of the Basin Plan and outlined in Pages 11 through 14, Section VI.C.2.b of the Order.	
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	6	<p>Permit Order, Section VI.C.4</p> <p>"The discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order"</p> <p>Period is missing at the end of quoted stipulation.</p>	The typographical error has been corrected.	Revision was made in the revised tentative permit.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	7	<p>Permit Order, Section VII.H</p> <p>"Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation"</p> <p>The quoted stipulation is missing a parenthesis and period at the end of the sentence.</p>	The typographical error has been corrected.	Revision was made in the revised tentative permit.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	8	<p>Attachment E, Section I.J</p> <p>"MLs employed for effluent analyses not associated with determining compliance with effluent limitations shall be lower than the lowest applicable water quality objective, for a given parameter as per the sufficiently sensitive regulations in 40 CFR section</p>		

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		<p>122.44(i)(1)(iv). Water quality objectives for parameters may be found in Chapter 3 of the Basin Plan and the CTR (40 CFR section 131.38). If the ML value is not below the water quality objective, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the discharger shall submit a list of the analytical methods employed for each test, the associated laboratory QA/QC procedures, reporting levels (RLs) and method detection levels (MDLs).</p> <p>The facility requests direction from the Regional Water Board to determine how effluent analyses not associated with determining compliance with effluent limitations shall be submitted and to whom.</p>	<p>The results of the analyses shall be included in the monitoring report as specified in Attachment E, Section X. A. and B. The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website at http://www.waterboards.ca.gov/water_issues/programs/ciwqs/.</p>	None required.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	9	<p>Attachment E, Table E-2 Table E-2 required Chronic Toxicity to be monitored at a frequency of twice per year.</p> <p>Chronic toxicity requires special and sensitive fish species to be ordered in advance by the laboratory in order to meet the specified holding time. Unless the discharge demonstrates an exceedance for toxicity, the facility does not agree that this parameter should be sampled twice a year. This is better suited for a facility with a continuous discharge. There is no reason to believe that twice is better than once as what is discharged would remain the same. Therefore, it is not feasible for the facility to collect an additional toxicity sample after the first discharge event. The facility requests that the Regional Water Board establishes the</p>	<p>Chronic toxicity monitoring is required twice per year to determine compliance with the effluent limitations and to determine if the discharge causes, has reasonable potential to cause or contribute to an excursion of numeric or narrative water quality criteria for individual toxicants or for toxicity. The existing permit (Order No. R4-2013-0157) includes acute toxicity effluent monitoring at a frequency of “once per discharge event” to comply with the Basin Plan water quality objective for toxicity. Since chronic toxicity is a more stringent requirement than acute toxicity, a chemical at a low concentration can have chronic effects but no acute effects. Therefore, the</p>	None required.

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		sampling frequency for chronic toxicity to once per year.	more stringent chronic toxicity monitoring and effluent limitation has been included in the tentative permit in lieu of the acute toxicity monitoring and effluent limitation to address both acute and chronic toxicity endpoints in organisms exposed to the discharge. However, the frequency of monitoring has been reduced from once per discharge event for acute toxicity as included in Order R4-2013-0157 to two times per year for chronic toxicity when discharges occur.	
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	10	<p>Attachment E, Table E-2 Table E-2 requires Total Flow to be monitored once per day.</p> <p>The facility request the Regional Water Board provide a footnote at the bottom of Table E-2 to clarify that daily flow records are calculated and not metered.</p>	Footnote 1 of Table E-2 in Attachment E has been revised to read: “ <u>The meter or calculated</u> flow shall be recorded daily during each period of discharge. Periods of no flow shall also be reported.”	The revised tentative permit includes the associated updates.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	11	<p>Attachment E, Section V.A.4 "Species sensitivity screening shall be conducted during this Order's first required sample collection. The Discharger shall collect a single effluent sample and concurrently conduct three toxicity tests, using the fish, an invertebrate, and the alga species as previously referenced. The species that exhibits the highest "Percent effect" at the discharge IWC during the species sensitivity screening shall be used for routine monitoring during permit cycle."</p> <p>The facility request the Regional Water Board remove this stipulation since a species sensitivity screen is unnecessary in addition to the chronic toxicity tests required. If effluent monitoring limitation is based on whether the required test</p>	The sensitivity of the species may vary. According to the United States Environmental Protection Agency (USEPA) <i>Technical Support Document For Water Quality-Based Toxics Control</i> (TSD), March 1991, page 16, Species Sensitivity Differences, it states	None required.

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		species yield a Pass or Percent effect less than 50%, it is unclear why the facility must also test and determine which species is the most sensitive one. Running tests with the required test species typically requires an advance notice to the laboratory for ordering of the species in time to meet the holding times. It is difficult if not impossible to find a lab that has all three species at any given time. The facility requests the Regional Water Board to remove this stipulation.	that "Different species exhibit different sensitivities to toxicant." Further, the TSD states that "...EPA recommends a minimum number of three species, representing three different phyla (e.g., a fish, an invertebrate, and a plant) be used to test an effluent for toxicity." Page 58 of the TSD states that "... For one organism to consistently be the most sensitive in a battery of toxicity test, two conditions must occur: (1) the toxicants causing toxicity must remain the same, and (2) the ratios of the toxicants in the effluent (if more than one) must remain the same. Based on EPA's experience at the Duluth research laboratory, neither of these conditions is likely to occur." Therefore, the Facility is required to use the three species mentioned in Attachment E, section V.A.3., page E-10 to complete the species sensitivity screening. Note, however, that the species sensitivity screening is only required during the first sampling event. Thereafter, the most sensitive species as determined from the toxicity testing of samples from that first event shall be used for subsequent monitoring during the five-year permit term.	
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	12	<p>Attachment E, Section V.A.11</p> <p>"Except with prior approval from the Executive Officer of the Regional Water Board, chlorine shall not be removed from bioassay samples."</p> <p>The facility is unclear on what is meant by chlorine removal. The facility requests clarification from the Regional Water Board to better understand whether this stipulation applies to the laboratory, method or to field sampling as it is unclear how chlorine removal relates to permit order/analytical parameters.</p>	<p>This situation applies to the laboratory. Chlorine is used on the discharge of some treatment facilities, but it is also a toxicant for some of the invertebrate species used for chronic toxicity testing. Consequently, the laboratory may determine that the best way to test the sample is to remove the chlorine prior to testing the sample. The Regional Water Board requires that the Executive Officer be notified and approve the chlorine removal from the sample prior to implementing that procedure.</p>	None required.

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Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	13	<p>Attachment E, Section X.A.3</p> <p>"If the Discharger conducts monitoring more frequently than required by this Order using approved analytical methods, the results of those analyses shall be included in the monitoring report. These results shall be reflected in the calculation of the average (or median) used in demonstrating compliance with this Order."</p> <p>The facility would like to request the Regional Water Board to include Discharge Point 001 to this permit section to read: "If the Discharger conducts monitoring more frequently at Discharge Point 001 than required by this Order..." Adding Discharge Point 001 to this statement is more specific. If the facility conducts internal monitoring without a discharge occurring from the facility, there is no requirement or sensible reasoning to send internal monitoring data without discharge to the Regional Water Board as this is the facilities way to self monitor and maintain internal documentation.</p>	The Board concurs. Attachment E. Section X.A.3 of the tentative permit has been revised to include "at Discharge Point 001" in the first sentence.	The revised tentative permit includes the associated updates.
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	14	<p>Fact Sheet, Table F-1</p> <p>Yung S. Chung, Senior Environmental Engineer is listed as the facility Contact and as the Authorized Person to Sign and Submit Reports</p> <p>The facility would like to request that the language for the Authorized Person is changed to specify "Facility official meeting signatory requirements per 40 CFR Part 3, 40 CFR Section 122.22 and 40 CFR Part 127." Having this general statement will allow for the facility to better respond to personnel changes that may occur during the term of the Permit Order. If a name must be given, please provide a footnote explaining that anyone who meets the signatory requirements may sign the documentation and the person mentioned in Table 1 is strictly for contact</p>	The Board concurs. Footnote 1 has been added to the word "Same" in Table F-1, "Authorized Person to Sign and Submit Reports." Footnote 1 reads: "Any person who signs and submits reports shall meet the provisions in Attachment D, Section V. Standard Provisions – Reporting V.B.1, V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 (40 C.F.R. § 122.41(k).) of this permit."	The revised tentative permit includes the associated updates.

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		purposes and can be changed via notification to the Regional Water Board during the duration of the permit order.		
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	15	<p>Fact Sheet, Section IV.C.3.a</p> <p>“There have been no discharges from the Facility to surface waters since January 2005, and no monitoring data was available to conduct an RPA. No new RPA was conducted in preparing this Order. Therefore, the WQBELs for copper, lead, nickel, thallium, cyanide, zinc, 4,4' DDT, and total PCBs in Order No. R4-2013- 0157 are retained in this Order to adhere to anti-backsliding provisions in CWA section 402(o)(1) and 3030(d)(4). The WQBELs for copper, lead, zinc, 4,4' DDT and total PCBs in Order No. R4-2013-0157 were based on the Harbor Toxics TMDL WLAs. The effluent limitations for these pollutants were established in this Order independent of a reasonable potential analysis during the development of this Order.”</p> <p>The facility has taken a proactive approach in containing and impounded storm water at the facility to prevent discharges through the permitted NPDES Outfall. Discharge from the facility has not occurred since 2005. These parameters should be maintained as part of the monitoring parameters and should not have effluent limitations. Requiring the facility to maintain the effluent limitations based on the fact that they have not discharged thus have not been able to provide data to the Regional Water Board for an RPA, is counter productive and punishes the facility for doing exactly what the Regional Water Board wants them to do, which is not discharge. The facility has taken all necessary steps to reduce/eliminate discharges, essentially showing compliance with NPDES. This requirement is</p>	<p>The Board recognizes that Tesoro Los Angeles Refinery – Calciner Operations (Facility) has implemented procedures to prevent discharges from the Facility and no discharges from the Facility to surface waters have occurred since January 2005. The tentative permit includes water quality based effluent limitations (WQBELs) for copper, lead, nickel, thallium, cyanide, zinc, 4,4' DDT, and total PCBs.</p> <p>The Facility discharges into Cerritos Channel within Los Angeles-Long Beach Inner Harbor. A <i>Total Maximum Daily Load (TMDL) for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters</i> (Resolution No. R11-008 or Harbor Toxics TMDL) was adopted which establishes waste load allocations (WLAs) for</p>	None required.

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		suggesting that if the facility wants to eliminate these effluent limitations, they SHOULD discharge. The facility would like the Regional Water Board to remove the limitations for copper, lead, nickel, thallium, cyanide, zinc, 4,4 DDT, and total PCBs. If necessary, in support for effluent limitation removal, the facility is willing to collect contained storm water to demonstrate compliance with the current effluent limitations for these parameters.	<p>copper, lead, zinc, 4,4'-DDT, and total PCBs applicable to discharges to Los Angeles-Long Beach Inner Harbor. Since the pollutants are addressed in the TMDL, which included WLAs, a separate reasonable potential analysis during permit development is not contemplated as per the <i>Policy for Implementation of Toxics Standards for Inland Surface Water, Enclosed Bays, and Estuaries</i> (SIP). Therefore, effluent limitations for copper, lead, zinc, 4,4'-DDT, and total PCBs have been developed based on the WLAs from the Harbor Toxics TMDL and the SIP.</p> <p>Regarding the WQBELs for nickel, thallium, and cyanide in Order No. R4-2013-0157, these were based on Order No. R4-2007-0031. The effluent limitations for these pollutants in Order No. R4-2007-0031 were calculated based on the results of the reasonable potential analysis of the monitoring data from January 2002 through December 2004. Since there is no new data to re-evaluate reasonable potential, the limitations included in the current permit (Order No. R4-2013-0157) have been retained in the tentative permit.</p>	
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	16	<p>Fact Sheet, Section IV.C.6</p> <p>"Chronic Toxicity is a more stringent requirement than acute toxicity. A chemical at a low concentration can have chronic effects but no acute effects. Therefore, this Order discontinues the use of acute toxicity limitation and prescribes the chronic toxicity limitation to address both acute and chronic toxicity endpoints in organisms exposed to the discharge."</p> <p>The Regional Water Board provides reasoning as to why chronic toxicity testing is now required but does not justify why the frequency of the testing is required twice per year when a standard of once a year is as</p>	See Response to Comments 9, pages 6 and 7.	None required.

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		effective in determining compliance as streams do not change. It is not feasible, nor necessary, to sample chronic toxicity more than once per year unless effluent discharges demonstrate exceedances. Chronic toxicity requires special and sensitive fish species that must be ordered from the laboratory in advance to meet the holding time. The facility requests that the Regional Water Board establishes the sampling frequency for chronic toxicity to once per year.		
Tesoro Refining & Marketing Company LLC, Tesoro Los Angeles Refinery – Calciner Operations	17	<p>Fact Sheet, Table F-9</p> <p>Table F-9 includes "Lead, Total Recoverab" and "Zinc, Total Recoverab"</p> <p>"-le" is missing from the word "Total Recoverable" for Lead and Zinc.</p>	The typographical errors have been corrected.	Revisions were made to the tentative permit.